

Labeling

WAC 296-839-400

Summary

Labeling

YOUR RESPONSIBILITY:

To provide employers with containers of hazardous chemicals that are properly labeled

You must

Label containers of hazardous chemicals

WAC 296-839-40005400-2



-Continued-

<http://www.lni.wa.gov/>



Labeling

WAC 296-839-400

Rule

WAC 296-839-40005

Label containers of hazardous chemicals



Exemption:

Containers are exempt from this section if ALL hazardous contents are listed in Table 11.

You must

- Make sure every container of hazardous chemicals leaving the workplace is properly labeled. This includes ALL of the following:
 - The identity of the hazardous chemical (the chemical or common name) that matches the identity used on the MSDS
 - An appropriate hazard warning
 - The name and address of the chemical manufacturer, importer, or other responsible party
 - Make sure labeling doesn't conflict with the requirements of:
 - The Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.)
- AND**
- Regulations issued under the act by the U.S. Department of Transportation (Title 49 of the Code of Federal Regulations, Parts 171 through 180). See <http://www.dot.gov>
 - Revise labels within 3 months of becoming aware of new and significant information about chemical hazards
 - Provide revised labels on containers beginning with the first shipment after a revision, to manufacturers, distributors or employers

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WAC 296-839-40005 (Continued)

You must

- Revise the label when a chemical isn't currently used, produced or imported, before:
 - You resume shipping (or transferring) the chemical
- OR**
- The chemical is reintroduced in the workplace
- Label information:
 - Clearly written in English
- AND**
- Prominently displayed on the container



Reference:

Additional labeling requirements for specific hazardous chemicals (for example, asbestos, cadmium, and formaldehyde) are found in chapter 296-62 WAC, General Occupational Health Standards (see parts F, G, I and I-1 of that chapter).



Note:

When the conditions specified in Table 10 are met for the solid material products listed, you aren't required to provide labels for every shipment.

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Labeling

WAC 296-839-400

Rule

WAC 296-839-40005 (Continued)

You must

Table 10 Labeling for Solid Materials	
<i>You need only send labels with the first shipment, IF the product is</i>	AND
Whole grain	<ul style="list-style-type: none"> It's shipped to the same customer and No hazardous chemicals are part of or known to be present with the product which could expose employees during handling <ul style="list-style-type: none"> - For example, cutting fluids on solid metal, and pesticides with grain
Solid untreated wood	
Solid metal For example: Steel beams, metal castings	
Plastic items	

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1•800•4BE SAFE (1•800•423•7233)

WAC 296-839-40005 (Continued)



Exemptions:

The chemicals (and items) listed in Table 11 are EXEMPT from THIS SECTION under the conditions specified. Requirements in other sections still apply.



<p>Table 11 Conditional Label Exemptions</p>	
<p><i>This section doesn't apply to</i></p>	<p><i>When the product is</i></p>
<ul style="list-style-type: none"> • Pesticides <ul style="list-style-type: none"> - Meeting the definition of "pesticides" in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). See Title 7, U.S.C. Chapter 6, Subchapter II, section 136 at http://www.access.gpo.gov/uscode/uscmain.html. 	<ul style="list-style-type: none"> • Subject to: <ul style="list-style-type: none"> - Labeling requirements of FIFRA. See http://www.access.gpo.gov/uscode/uscmain.html and - Labeling regulations issued under FIFRA by the United States Environmental Protection Agency EPA. See Title 40 of the Code of Federal Regulations at http://www.epa.gov.
<ul style="list-style-type: none"> • A chemical substance or mixture <ul style="list-style-type: none"> - Meeting the definition of "chemical substance" or "mixture" in the Toxic Substance Control Act (TSCA). See Title 15 U.S.C. Chapter 53, Subchapter II, section 2602 at http://www.access.gpo.gov/uscode/uscmain.html 	<ul style="list-style-type: none"> • Subject to: <ul style="list-style-type: none"> - Labeling requirements of TSCA. See http://www.access.gpo.gov/uscode/uscmain.html and - Labeling requirements issued under TSCA by the EPA. See Title 40 of the Code of Federal Regulations at http://www.epa.gov.
<p>Table 11 (Continued)</p>	

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Labeling

WAC 296-839-400

Rule

WAC 296-839-40005 (Continued)

Table 11 (Continued)
Conditional Label Exemptions

<i>This section doesn't apply to</i>	<i>When the product is</i>
<ul style="list-style-type: none"> Each of the following: <ul style="list-style-type: none"> - Food - Food additives - Color additives - Drugs - Cosmetics - Medical devices or products - Veterinary devices or products - Materials intended for use in these products (for example: flavors and fragrances) As defined in <ul style="list-style-type: none"> - The Federal Food, Drug, and Cosmetic Act. See Title 21 U.S.C. Chapter 9, Subchapter II, section 321 at http://www.access.gpo.gov/uscode/uscmmain.html <i>or</i> - The Virus-Serum Toxin Act of 1913. See Title 21 U.S.C. Chapter 5, section 151 et seq. at http://www.access.gpo.gov/uscode/uscmmain.html <i>or</i> - Regulations issued under these acts. See Title 21 Part 101 in the Code of Federal Regulations, and Title 9, in the Code of Federal Regulations at http://www.access.gpo.gov/nara/cfr/index.html 	<ul style="list-style-type: none"> Subject to: <ul style="list-style-type: none"> - Labeling requirements in Federal Food, Drug, and Cosmetic Act, Virus-Serum Toxin Act of 1913, and issued regulations enforced by the United States Food and Drug Administration. See Title 21 Parts 101-180 in the Code of Federal Regulations at http://www.access.gpo.gov/nara/cfr/index.html <i>or</i> Department of Agriculture. See Title 9 in the Code of Federal Regulations at http://www.access.gpo.gov/nara/cfr/index.html
Table 11 (Continued)	

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1•800•4BE SAFE (1•800•423•7233)

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WAC 296-839-400

Rule

WAC 296-839-40005 (Continued)

<p><i>Table 11 (Continued)</i> <i>Conditional Label Exemptions</i></p>	
<p><i>This section doesn't apply to</i></p>	<p><i>When the product is</i></p>
<ul style="list-style-type: none"> Each of the following: <ul style="list-style-type: none"> Distilled spirits (beverage alcohols) <i>and</i> Wine <i>and</i> Malt beverage As defined in <ul style="list-style-type: none"> The Federal Alcohol Administration Act. See Title 27 U.S.C. section 201 at http://www.access.gpo.gov/uscode/uscmain.html <i>and</i> Regulations issued under this act. See Title 27 in the Code of Federal Regulations at http://www.access.gpo.gov/nara/cfr/index.html 	<ul style="list-style-type: none"> Subject to: <ul style="list-style-type: none"> Labeling requirements of Federal Alcohol Administration Act. See http://www.access.gpo.gov/uscode/uscmain.html <i>and</i> Labeling regulations issued under Federal Alcohol Administration Act by the Bureau of Alcohol, Tobacco, and Firearms. See Title 27 in the Code of Federal Regulations at http://www.access.gpo.gov/nara/cfr/index.html
<ul style="list-style-type: none"> Consumer products <i>and</i> Hazardous substances <ul style="list-style-type: none"> As defined in <ul style="list-style-type: none"> The Consumer Product Safety Act. See 15 U.S.C. 2051 et seq. at http://www.access.gpo.gov/uscode/uscmain.html <i>and</i> The Federal Hazardous Substances Act. See 15 U.S.C. 1261 et seq. at http://www.access.gpo.gov/uscode/uscmain.html 	<ul style="list-style-type: none"> Subject to: <ul style="list-style-type: none"> A consumer product safety or labeling requirement of the Consumer Product Safety Act or Federal Hazardous Substances Act. See http://www.access.gpo.gov/uscode/uscmain.html <i>or</i> Regulations issued under these acts by the Consumer Product Safety Commission. See Title 16 in the Code of Federal Regulations at http://www.access.gpo.gov/nara/cfr/index.html
<ul style="list-style-type: none"> Agricultural seed <i>and</i> Vegetable seed treated with pesticides 	<ul style="list-style-type: none"> Labeled as required by <ul style="list-style-type: none"> The Federal Seed Act. See Title 7 U.S.C. Chapter 37 section 1551 et seq. at http://www.access.gpo.gov/uscode/uscmain.html <i>and</i> Labeling requirements issued under Federal Seed Act by the United States Department of Agriculture. See http://www.access.gpo.gov/uscode/uscmain.html

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